

REMARKS

In the Office Action mailed November 18, 2005, the Examiner noted that claims 1-39 were pending, allowed claims 5-7, 29 and 36-39, and rejected claims 1-4, 28 and 30. Claims 1, 2, 4 and 28 have been amended, claim 3 has been canceled, new claims 40 and 41 have been added and, thus, in view of the forgoing claims 1, 2, 4, 28, 30, 40 and 41 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action, the Examiner rejected claims 1-4 and 28 under 35 U.S.C. section 112 paragraph 2 as indefinite. These claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

Page 3 of the Office Action rejects claims 1, 3, 4, 28 and 30 under 35 U.S.C. § 103 over Akioka and Bohan

As noted by the Examiner, Akioka discusses displaying and measuring color patches of a display. As also acknowledged by the Examiner, Akioka does not teach or suggest measuring a color patch a "predetermined time" after the color patch or the image is displayed as occurs in the present invention.

The display of the patch or the image for a predetermined time before a measurement is made allows the display/patch to reach a steady state before the color of the patch is measured.

The Examiner alleges that Bohan supplies the deficit of Akioka. In particular the Examiner points to Bohan:

Before any measurements are taken, the monitor should be allowed sufficient time to warm up and should be degaussed.
(See Bohan, col. 5, lines 53-55)

This portion of Bohan is about allowing the monitor to warm up after it is turned on. This says nothing about waiting a predetermined time after a patch or an image is displayed before measuring the color of the patch. Bohan does not make up for the deficiency in Akioka. The combination does not provide the benefit of making a measurement of color after a steady state has been reached where a more accurate measurement can be made.

It is submitted that the combination of Akioka and Bohan does not teach or suggest the features of the present claimed invention.

It is submitted that the invention of claims 1, 3, 4, 28 and 30 distinguishes over Akioka and Bohan and withdrawal of the rejection is requested.

New claims 40 and 41, respectively, emphasize making a measurement a predetermined time after a patch is displayed or after a steady state is reached after the patch is displayed in both cases where a more accurate measurement can be made. Nothing in the prior art teaches or suggests such. It is submitted that these new claims distinguishes over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is also submitted that claims 5-7, 29 and 36-39 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 18, 2006

By: /J. Randall Beckers/
J. Randall Beckers
Registration No. 30,358

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501